

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

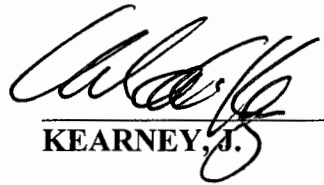
DELAWARE RIVER JOINT TOLL	:	CIVIL ACTION
BRIDGE COMMISSION	:	
	:	
v.	:	NO. 19-2978
	:	
W. GERALD OLEKSIK	:	

ORDER

AND NOW, this 2nd day of August 2019, upon considering the Plaintiff's Motion for a preliminary injunction (ECF Doc. No. 10), Defendant's Opposition (ECF Doc. No. 12), Plaintiff's Reply (ECF Doc. No. 14), following a noticed preliminary injunction hearing during which the parties agreed to present all evidence through affidavit and oral argument, relying upon the parties' arguments and submitted evidence, for reasons in the accompanying Memorandum, and upon finding:

1. Plaintiff established a likelihood of success as federal law grants it the exclusive power to regulate its buildings consistent with its purposes under the Compact;
2. Plaintiff established irreparable harm absent injunctive relief in the ongoing operations of its elevator and lack of money damages from the Defendant;
3. Balancing the equities favors enforcing the unambiguous Compact as written as opposed to interpreting the Compact to craft alternative obligations upon the Plaintiff; and,
4. The public interest is served by the enforcement of the Compact agreed to by the Commonwealth and New Jersey granting Plaintiff the exclusive authority to manage its maintenance operations including the inspection and safety of its elevators without State interference;

IT is **ORDERED** Plaintiff's Motion for a preliminary injunction (ECF Doc. No. 10) is **GRANTED** upon posting a \$100.00 bond with the Clerk of the United States District Court, enjoining Defendant from directing the Department of Labor & Industry from seeking to inspect or approve the elevators in the Scudder Falls Bridge Maintenance/AET Building, or Scudder Falls Administrative Building or from further impeding, interfering or delaying the Plaintiff's contractors or subcontractors from immediately repairing and activating the elevator systems.



KEARNEY, J.